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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,707	02/12/2001	Robin Ross Cooper	VMATRIX.002A	1841
7590	12/22/2005		EXAMINER BACKER, FIRMIN	
Richard Campbell Procopio Cory Hargreaves & Savitch LLP 530 B Street Suite 2100 San Diego, CA 92101			ART UNIT 3621	
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,707

Applicant(s)

COOPER ET AL.

Examiner

FIRMN BACKER

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 9th, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Walker et al (U.S. Patent No 5,862,223).

5. As per claims 1 and 18, Walker et al teach a method for providing a secure communication network (*public switched telephone network, 110*) to provide video consultations (*video conference*) between a client (*user 500*) and a consultant (*experts 400*) (*see figs 1, 29, column 26 lines 40-47*) comprising electronically verifying the identity of a client (*authenticate user*) (*see fig 6, 7, 8, and 9, column 27 lines 4-44*) providing to the client a user agreement (*bid, negotiation protocol*), receiving a electronic message from the client via said communication network indicating consent to said agreement (*see column 37 lines 6-col. 39 lines 35*) providing to the client via said communication network a list of consultants (*list of qualified expert*) from a consultant database module and allowing the client to search the list for a consultant on accordance to with the client's requirement (*see column 36 lines 58-column 37 line 18*) receiving a message from the client via said communication network indicating a selection of a consultant from the list of the consultants, receiving a message from the selected consultant consenting to see the client, providing to the client and the selected consultant a real time secure consultation environment within which a conference session occurs and calculating a fee due for the conference session (*see column 14 lines 50- column 15 lines 65, 27 lines 4-col. 28 line 37*).

6. As per claims 2, Walker et al teach a method further comprising issuing a digital certificate to the client after the client has logged on to the communication network (*see fig 4 and 5 and their accompanied text*).

Art Unit: 3621

7. As per claims 3, Walker et al teach a method further comprising authenticating the digital certificate of the client before allowing access to the consulting environment (*see column 26 lines 58-27 lines 57*).

8. As per claims 4, Walker et al teach a method further comprising establishing a payment method with the client (*see column 14 lines 50- column 15 lines 65, 27 lines 4-col. 28 line 37*).

9. As per claims 5, Walker et al teach a method further comprising electronically verifying the identity of a client comprises authenticating a digital certificate (*see column 31 lines 1-33 line 20*).

10. As per claims 6, Walker et al teach a method wherein the real time secure video consultation environment is further provided to a third party (*see fig 17, column 26 lines 58-27 lines 57*).

11. As per claims 7, Walker et al teach a system for providing a secure communication network to facilitate consultations between a client and a consultant comprising a certificate module configured to provide a digital certificate having a public key and a private key to a client (*see column 31 lines 1-33 line 20*) and interface module configured to electronically verify the identity of the client (*see fig 6, 7, 8, and 9, column 27 lines 4-44*) a liability limitation module configured to electronically provide a user agreement to the client and record acceptance of the agreement by the client (*see column 37 lines 6-col. 39 lines 35*) a consultant database module

Art Unit: 3621

configured to electronically provide a list of consultants to the client, from which the client selects a consultant of choice (*see column 36 lines 58-column 37 line 18*) and a consultation module configured to provide a secure communication environment within which the consultant of choice and the client confer (*see figs 1, 29, column 26 lines 40-47*) a payment module configured to calculate a fee for services rendered to the client via the consultation module (*see column 14 lines 50- column 15 lines 65, 27 lines 4-col. 28 line 37*).

12. As per claims 8, Walker et al teach a system wherein said certificate module issues a digital certificate to the client after the client has logged on to the secure communication network (*see fig 4 and 5 and their accompanied text*).

13. As per claims 9, Walker et al teach a system further comprising a source module configured to supply code to support the consultation module (*see column 26 lines 58-27 lines 57*).

14. As per claims 10, Walker et al teach a system further comprising an archive module configured to archive the conference between the client and the consultant (*see fig 17, column 26 lines 58-27 lines 57*).

15. As per claims 11, Walker et al teach a system further comprising an electronic white board module configured to provide communication between the client and the consultant (*see figs 1, 29, column 26 lines 40-47*).

16. As per claims 12, Walker et al teach a system further comprising an electronic note module configured to provide notes between the client and the consultant (*see figs 1, 29, column 26 lines 40-47*).

17. As per claims 13, Walker et al teach a system further comprising an internal communication module configured to provide internal communications between parties (*see figs 1, 29, column 26 lines 40-47*).

18. As per claims 14-16, Walker et al teach a system further comprising a secretarial module configured to provide secretarial services an electronic mail module configured to provide electronic mail services, a language translation module configured to provide language translation services (*see fig 17, column 26 lines 58-27 lines 57*).

19. As per claims 17, Walker et al teach a system further comprising a web-enabled device selected from the group consisting of an individual computer, a mobile computer, a personal digital assistant, a hand-held computer, a web-enabled television, a web-enabled interactive kiosks, a web-enabled wireless communications device, a mobile web browsers, or a combination thereof (*see figs 1, 29, column 26 lines 40-47*).

Art Unit: 3621

20. As per claims 19, Walker et al teach a system wherein the consultant database module is further configured to schedule a time for the client and the consultant to enter the consultant environment (*see column 7 lines 6-29*).

21. As per claims 20, Walker et al teach a system comprising a scheduling mechanism configured to display to the client various time slots that are currently available for the consultant of choice allow the client to select an available time slot, inform the consultant of choice that the client has selected a specific time slot, make the time slot that was selected unavailable to future clients (*see column 7 lines 6-29*).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

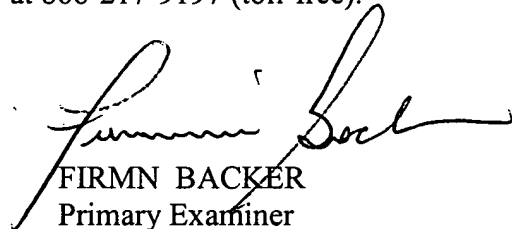
Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703.

The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMIN BACKER
Primary Examiner
Art Unit 3621

December 16, 2005